

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

KEVIN PREFONTAINE and
JILL PREFONTAINE,

Plaintiffs,

vs.

ROXANNA GREEN,

Defendant.

Case No. 1:16-cv-00091-TWP-DML

Report and Recommendation on Plaintiffs' Motion For Entry of Judgment Against Defendant

The plaintiffs ask the court to enter a judgment against defendant Roxanna Green in the amount of \$65,000.00 based on the terms of a Settlement Agreement between the parties. Ms. Green did not respond to the plaintiffs' motion.

The plaintiffs' motion establishes the following facts. The Settlement Agreement required Ms. Green to pay \$65,000.00 by making six equal installment payments of \$10,833.33, with the first payment due on December 2, 2016. Ms. Green did not make the first installment payment. As required by the Agreement, when a timely payment was not made, the plaintiffs provided Ms. Green with a written notice to cure her default. Ms. Green did not cure her default. The Agreement provides that in the event notice to cure default is given and after seven days the defendant remains in default, "then upon motion of Plaintiffs based on this Settlement Agreement, a judgment for the unpaid portion of the Settlement shall be

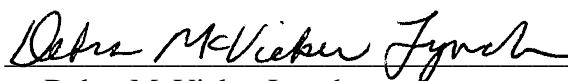
entered by the Court against Defendant.” *See* Dkt. 43 at p. 2. The unpaid portion is \$65,000—the entire settlement amount.

Based on the plaintiffs’ showing that Ms. Green (1) failed to make a timely payment as required under the Settlement Agreement, (2) was provided with the required notice to cure her default, and (3) did not cure her default, the Magistrate Judge recommends that the District Judge GRANT the plaintiffs’ motion (Dkt. 43) and enter a judgment in favor of the plaintiffs and against defendant Roxanna Green in the amount of \$65,000.

Any objections to this Report and Recommendation must be filed in accordance with 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). The failure to file objections within fourteen days after service will constitute a waiver of subsequent review absent a showing of good cause for that failure. The parties should not anticipate any extension of this deadline or any other related briefing deadlines.

IT IS SO RECOMMENDED.

Dated: January 13, 2017


Debra McVicker Lynch
United States Magistrate Judge
Southern District of Indiana

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All ECF-registered counsel of record by email through the court’s ECF system